

SENATE BILL 3324

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, relative the possession and carrying
of weapons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13 is amended by
adding the following as a new section:

39-17-1325.

(a) For the purposes of this part, the circumstances in which a person lacks the
“intent to go armed” or “purpose of going armed” include where the person:

(1) Accidentally, mistakenly, inadvertently or unknowingly possesses or
carries a weapon;

(2) Intentionally or knowingly possesses or carries a weapon where it is
lawful for the person to do so, or knowingly or intentionally intends to go armed
where it is lawful for the person to do so, but the person then accidentally,
mistakenly, inadvertently, unknowingly or without intent continues to possess or
carry the weapon onto or into a place, or in a manner, prohibited by this part;

(3) Due to the possession or carrying of the weapon being lawful for the
person in the United States town, municipality, county or state where the person
resides or regularly works, or did so within the past twelve (12) months, the
person reasonably and in good faith believed that the possession or carrying of
the weapon was lawful for the person in the manner and place at issue;

(4) Lacks any specific criminal intent to commit any criminal offense
under this title; or

(5) Lacks the “intent to go armed” as defined at Tennessee common law.

(b) A rebuttable presumption exists that a person lacks the “intent to go armed” or the “purpose of going armed” in violation of this part if:

(1) The person has not been convicted of any crime within the past ten (10) years;

(2) The person is not subject to any valid order of deportation from the United States;

(3) The person has not been subject to any valid state or federal criminal sentence within the past ten (10) years;

(4) The person is not engaged in or attempting any criminal activity;

(5) The person is not prohibited from possessing a handgun by Tennessee or federal law;

(6) The person is a lawful resident or citizen of the United States; and

(7) The only evidence of a possible violation of this part is the person’s possession or carrying of a weapon in a place where this part prohibits the person from possessing or carrying a weapon with the intent to go armed or purpose of going armed.

(c) Subdivisions (a)(1), (2), (3) and (4) and subsection (b) shall not apply to a person:

(1) Prohibited from possessing a handgun by Tennessee or federal law;

(2) Attempting or engaged in any criminal activity; or

(3) Present in this state in violation of any state or federal law.

(d)

(1) Nothing in this section shall be construed to diminish the intent, state of mind or evidence required at common law to prove a person's "intent to go armed" or "purpose of going armed."

(2) Nothing in this section shall be construed to alter or diminish any defense or exception to any offense under this title.

(e) It is the intent of the general assembly that this section help avoid the criminal prosecution of a person for an offense under this part that requires proof of the "intent to go armed" or "purpose of going armed" where the person is a law-abiding United States citizen or legal resident, not otherwise prohibited from possessing a handgun by Tennessee or federal law, is not engaged in or attempting any criminal activity, and lacks any criminal intent to commit any offense under this title.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.